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OFFICE OF PETITIONS

In re Application of	:	
Carl M. Ellison et al	:	
Application No. 09/672,602	:	ON PETITION
Filed: February 26, 2001	:	
Attorney Docket No. 042390.P8629X	:	

This is a decision on the petition, filed May 22, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 18, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application will remain in the Office of petitions to consider the petition under 37 CFR 1.47(a), submitted on May 22, 2006. Afterwards, the application will be referred to Technology Center AU 2131 to consider the request for continued examination under 37 CFR 1.114 submitted on May 22, 2006.

Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).